UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,403	12/17/2004	Frederic Milliot	Q85026	9974

23373 7590 01/24/2007
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
VU, MICHAEL T	
ART UNIT	PAPER NUMBER
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/518,403	MILLIOT ET AL.	
	Examiner	Art Unit	
	Michael Vu	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's Remarks/Arguments filed November 13, 2006, have been fully considered but they are not persuasive.

In response to applicant's Remarks/Arguments in claims 1, 9, and 14 that reference Carroll fails to provide any description regarding the use of "AT command" on page 6 line 13, and Carroll fails to teach or suggest the claimed communication via 'AT command management means" on page 7 lines 7-8.

Examiner respectfully disagrees. The examiner has review the Applicant's Remarks carefully to all claims 1, 9 and 14. However, the examiner must give the broadest reasonable interpretation to all claims presented that Carroll teaches the terminal and the telephone that used the standard air interface to activate the wireless device in which are using the authentication key and/or key management infrastructure for the authentication-based wireless system uses such as a key (A –key) for generating and distributing by the Service Provider and input to the device using either manual entry by the customer or electronic distribution at the point of sale (See paragraph [0004-0005]), and Carroll further teaches the user used the keypad of the cellular telephone to dial telephone numbers and to enter sequences of numbers that allow the user to authenticate the cellular telephone in which equates to command. One skilled in

the art would know (e.g., A –key) transfer security and/or performance and efficiency of the cellular network (See paragraph [0041-0043, 0051-0054]).

Furthermore, in the present context the expression "AT commands" in the Applicant's Specification indicated that "AT commands" refers to commands of the type originally developed by the American company Hayes Microcomputer Products Inc. (See Applicant paragraph [0007]).

Therefore, the argued limitations are the same as disclosed by the reference or the limitations are written broad such that they read on the cited art, rejections are maintained as repeated below:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 5-10, 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll (US 2001/0041591).

Regarding **Claims 1, 9 and 14**, Carrol teaches a method of supplying (service) configuration data to a mobile telephony device equipped with AT command

management means [0004-0009], the method comprising: i) setting up a connection between said device containing service configuration data (Fig. 1, Wireless Phone #108, physical connection service to Provision Device #106, from resource Service Provide #102, via the communication network) and ii) exchanging service configuration data between the terminal and the device (Fig. 1, [0019]), **but is unclear on** by means of selected AT commands that the AT command management means of said device are able to interpret.

As an Examiner noted that AT commands refers to commands of the type original developed by Microcomputer Manufacture (see Applicant's paragraph [0007]).

However, Carroll teaches a system includes all of these features above with a similar concept, user after purchasing a wireless communication device, such as a cellular telephone. The user must have the device activated or provisioned for use. Provisioning is the programming of a wireless communication device for use by the owner. Several conventional systems have been proposed for inserting provisioning information (e.g., secret privacy and authentication keys, or unique operational information) into these devices. The user/carrier key management infrastructure for the authentication-based wireless system uses a key hierarchy generated from a user's unique authentication key (A-key). The A-key is, for example, a 64-bit value used to generate a user's temporary authentication keys as well as privacy keys for data, voice, and messaging. There are currently several proposed and implemented approaches for A-key generation and distribution ([0004-0012], Figs 1-6, [0017-0021, 0034-0050]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carroll, such that by means of selected AT commands that the AT command management means of said device are able to interpret, to activate the provisioning device from certain makes and models.

Regarding **claims 2 and 15**, Carroll teaches the method according to claim 1, wherein data representative of a provisioning protocol is extracted from the device by means of selected AT commands and then sent to the terminal so that said terminal may exchange said configuration data with said device in accordance with said provisioning protocol (See Figs 1-6, [0017-0021, 0034-0050]).

Regarding **claims 3 and 10**, Carroll teaches the method according to claim 1, wherein that said AT command management means extract said configuration data from the AT commands received from the terminal in order to supply it to application means requiring mobile Internet resources (Fig. 1, Provision Information send from Service Provider #102 via Internet Resources #104 to #106, #108).

Regarding **claims 5 and 12**, Carroll teaches the method according to claim 3, wherein said configuration data is supplied to a provisioning agent in said application means (See Fig. 1, [0010-0012, 0018-0019]).

Regarding **claims 6, 13 and 16**, Carroll teaches the method according to claim 1, wherein that at least certain of the configuration data stored in a memory of the device is extracted in order to send it to said terminal and in that, on receipt of said data, the device is sent AT commands for modifying certain data, after which the modified data is stored in said memory (Fig. 3, [0036, 0062]).

Regarding **claims 7 and 17**, Carroll teaches the method according to claim 6, wherein that at least certain of the configuration data stored in the memory is extracted in order to send it to said terminal and in that, on receipt of said data, the device is sent AT commands representative of new configuration data, after which the new data is stored in said memory (Fig. 4, [0018-0019, 0041-0043, 0036, 0062]).

Regarding **claims 8 and 18**, Carroll teaches the method according to claim 6, wherein that at least certain of the configuration data stored in the memory is extracted in order to send it to said terminal and in that, on receipt of said data, the device is sent AT commands for deleting certain data from said memory (Fig. 4, [0041, 0043]).

Regarding **claim 19**, Carroll teaches the method according to claim 1, wherein said connection is selected from the group consisting of a cable connection and a radio connection (Figs. 1-6).

4. Claims 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Bharadwaj (US 2002/0032751).

Regarding **claims 4, 11**, Carroll teaches the method according to claim 3, **but is silent on** wherein that said application means are selected from the group comprising browser means, onboard Java application means, and onboard Multi Media Messaging application means.

However, Bharadwaj teaches a method and system that transmit and receive Java and Multimedia Messaging MMS applications, and WAP [0005, 0026, 0099, 0692].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carrol, such that wherein that said application means are selected from the group comprising browser means, onboard Java application means, and onboard Multi Media Messaging application means, to enhance and support all of the devices by using different applications software or platform.

5. Claim 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Herle (US 2003/0027563).

Regarding **claim 20**, Carroll teaches the method according to claim 19, wherein said radio connection is selected from the group **but is silent on** consisting of an infrared connection and a "Bluetooth" connection.

However, Herle teaches the wireless connection conformation to IrDa or Bluetooth, which characterized in the connectivity between a wireless telephone and a PDA device [0016].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carroll, such that consisting of an infrared connection and a "Bluetooth" connection, to provide the capability of software or application upgrade or download between from Internet to devices.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll in view of Lee (US 2002/0105834).

Regarding **claim 21**, Carroll teaches the use of a method, according to claim 1, to configure application means **but is silent on** operating in accordance with a protocol selected from the WAP, HTTP, IP, GPRS, and CSD protocols.

However, Lee teaches a device for data communications between wireless application protocol terminal and wireless application server, protocol selected from the WAP, HTTP, IP, GPRS, and CSD (Abstract, [0020-0023]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Carroll, such that operating in accordance with a protocol selected from the WAP, HTTP, IP, GPRS, and CSD protocols, to provide the flexibility of capable of accessing the entire of the circuit or packet networks protocols.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael T. Vu

Examiner

JEAN GELIN
PRIMARY EXAMINER